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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,867

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Hiroshi Chishima

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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY, NY 11530

EXAMINER

LUDWIG, MATTHEW J

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/717,867

Applicant(s)

CHISHIMA, HIROSHI

Examiner

Matthew J. Ludwig

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/19/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the application filed 11/19/2003. The examiner acknowledges applicant's claim to foreign priority to Japanese Patent Application 2002-336149, filed 11/20/2002.
2. Claims 1-27 are pending in the case. Claims 1, 18, 19, 20, 21, 22, 23, 24, and 25, are independent claims.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1, 2, 6, 7, 10, 11, 12, and 15, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**In reference to independent claim 1**, the claim recites the phrase 'enabling the structured document information to be referred from the application program'. It is unclear to the examiner the meaning of the term 'referred' as stated within the claim. The specification fails to support or clarify what is meant by the term referred and therefore, the examiner has utilized an association between two components to be substantially similar as being referred, as presently claimed.

**In reference to dependent claim 2**, the claims recites the phrase 'the application program is a program to be downloaded when a function is extended'. However, it is unclear to the examiner what function is being extended. The specification fails to particularly point out a specific

Art Unit: 2178

function within the browser that is being extended, which would then download an application program.

**In reference to dependent claim 7**, the claim recites several limitations, which fails to clearly state the subject matter in a way that could be interpreted by one of ordinary skill in the art. The examiner believes terms such as ‘instructing the document information manipulation unit on a node’ leaves the limitation ambiguous. Furthermore, the term ‘informed from the event information informing unit’ also seems to point to ambiguous subject matter and would not provide someone with ordinary skill in the art with a means of understanding what informing means in a web environment. Finally, the phrase ‘as well as a content of the editing’ fails to particularly point out applicant’s claim invention. The specification fails to provide support for such a phrase and the Examiner suggests rewriting said limitations in such a way as to allow one of ordinary skill in the art the opportunity to understand the presently claimed subject matter.

**In reference to dependent claim 10 & 11**, the claim recites the phrase ‘corresponding to the proprietary tag or the proprietary attribute which are uniquely extended’. It is unclear to the examiner what is meant by the terms ‘uniquely extended’, as presently claimed. The language leaves the claim ambiguous and the specification fails to support such claim language.

Furthermore, the phrase ‘the proprietary attribute is voice production processing’ fails to particularly point out applicant’s claimed invention. The examiner is unclear as to the meaning of voice production processing as presently claimed. Appropriate correction required.

**In reference to claims 6, 10, 12, and 15**, the phrase ‘the proprietary attribute is voice production processing’ fails to particularly point out applicant’s claimed invention. The examiner is unclear

Art Unit: 2178

as to the meaning of voice production processing as presently claimed. Appropriate correction required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-17 are drawn to non-functional descriptive material. MPEP 2106.IV.B.1(a) (Nonfunctional Descriptive Material) states:**

“Descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. 101.”

“Where certain types of descriptive material, such as music, art, photographs and mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing process performed by the computer, then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer.”

“For example, music is commonly sold to consumers in the form of a compact disc. In such cases, the know compact disc acts as nothing more than a carrier for nonfunctional descriptive material. The purely nonfunctional descriptive material cannot alone provide the practical application for the manufacture.”

MPEP 2106.IV.B.1 (Nonstatutory Subject Matter) states:

“When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement”.

Claims 1-27 currently recite components, which include a document parser, a document information manipulation unit, a browser core, and an event information-informing unit. The components reflect parts of a function extension type browser; however, the components merely reflect software modules within a computer. Furthermore, no data is presented to the user and the claim language requires no user interaction, i.e. a display, printout, ext. The components as presently claimed fail to provide concrete steps in producing a practical application of a running program. Consequently, the claimed invention does not require the technical or useful arts and, thus, fails to define patentable subject matter.

There is no functional relationship imparted by this data to a computing device. Therefore, the claim is drawn to non-functional descriptive material which is non-statutory per se. The fact that the claim recites a computer readable medium does not provide the utility (i.e., practical application in the technological arts) required under 35 U.S.C. 101 for the manufacture.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Shigemi et al., USPN 6,314,434 filed (10/8/1998).**

**In reference to independent claim 1, Shigemi teaches:**

The script interpreter parses and executes MIPS scripts which contain the process definition concerning each management object. Furthermore, although the SGML and MIPS have been chosen in the embodiment, the present invention is not limited to these particular language specifications. As an alternative to SGML, XML can be used to produce DTDs. Instead of MIPS, any interpreter languages can be used for scripting processes (compare to “*a document parser unit for converting document data into structured document information according to an instruction from an application program*”). See column 9, lines 15-45 and column 10, lines 20-54.

Each structured electronic data object is associated with relevant process scripts that describe how the individual nodes will behave (compare to “*a document information manipulation unit for enabling the structured document information to be referred from the application program*”). See column 5, lines 45-55.

Depending on the content of each active process, a work list written in the Hyper Text Markup language (HTML) is delivered from the processing engine to the client process. This processing engine is constructed within a WWW server, while the client process is a WWW browser (compare to “*a browser core unit for displaying a document based on the structured document information according to an instruction from the application program*”). See column 10, lines 10-21.

If the two versions have an explicit relationship, the structured data processing unit continues the process according to the inter-node relationships being defined explicitly. The structured data processing unit prompts the user to enter an appropriate instruction, while showing him/her the current situation of both structured data objects (compare to “*event*

Art Unit: 2178

*information informing unit for, when an event relating to a displayed document takes place, informing the application program of event information indicating a type of the event and a part of the document where the event takes place”). See column 6, lines 51-67.*

**In reference to dependent claim 2, Shigemi teaches:**

Now that the new destination is determined in this way, the process scripts in the structured data object are updated so that their references to the obsolete node will point to the new destination. Nodes in a structured data object are associated with specific process scripts that describe how the individual nodes should work.

**In reference to dependent claim 3, Shigemi teaches:**

The client environment allows the user to interact with the system through a graphical user interface. The client environment further provides the edit tool and other software development tools. The client process sends messages to the processing engine in response to inputs from the user or the edit tool. See column 11, lines 13-25.

**In reference to dependent claim 4, Shigemi teaches:**

Each structured electronic data object is associated with relevant process scripts that describe how the individual nodes will behave. See column 5, lines 45-50. Messages addressed to an obsolete node can still be handled in the new organization model. Even if the node itself cannot be found in the new version, the structured data processing unit will investigate the upper-level structure of the obsolete node in the old version, identify its parent node in the new version, and redirect the messages to that node. See column 5, lines 10-25.



**In reference to dependent claim 5 & 7, Shigemi teaches:**

Each structured electronic data object is associated with relevant process scripts that describe how the individual nodes will behave. See column 5, lines 45-50. Messages addressed to an obsolete node can still be handled in the new organization model. Even if the node itself cannot be found in the new version, the structured data processing unit will investigate the upper-level structure of the obsolete node in the old version, identify its parent node in the new version, and redirect the messages to that node. See column 5, lines 10-25.

Another usage of model-specific methods might be a copyright protection of all SGML instances under a specific DTD. To implement this function, one should define an operator that will add an electronic signature as an attribute of the SGML instances. See column 12, lines 35-45.

**In reference to dependent claim 8, Shigemi teaches:**

Each structured electronic data object is associated with relevant process scripts that describe how the individual nodes will behave. See column 5, lines 45-50. Messages addressed to an obsolete node can still be handled in the new organization model. Even if the node itself cannot be found in the new version, the structured data processing unit will investigate the upper-level structure of the obsolete node in the old version, identify its parent node in the new version, and redirect the messages to that node. See column 5, lines 10-25.

Another usage of model-specific methods might be a copyright protection of all SGML instances under a specific DTD. To implement this function, one should define an operator that will add an electronic signature as an attribute of the SGML instances. See column 12, lines 35-45.

**In reference to dependent claim 9, Shigemi teaches:**

If there is a structured data object named “organization,” which describes an enterprise’s organizational structure. This organization model should be updated to a new version, each time a change occurs in the enterprise’s organization. Suppose here that one member node of the old structured data object has become obsolete as a result of changes in the organization. In this case, messages addressed to the obsolete node can still be handled in the new organization model. Even if the node itself cannot be found in the new version, the structured data processing unit will investigate the upper level structure of the obsolete node in the old version. See column 5, lines 10-30.

**In reference to dependent claim 13, Shigemi teaches:**

Messages generated by a script in a management object to call up another script in a different management object. See column 9, lines 16-40. Another usage of model-specific methods might be a copyright protection of all SGML instances under a specific DTD. To implement this function, one should define an operator that will add an electronic signature as an attribute of the SGML instances. See column 12, lines 35-45.

**In reference to dependent claim 14, Shigemi teaches:**

Messages sent from the client process to the processing engine in response to the user’s keyboard/mouse operations. See column 9, lines 15-45.

**In reference to dependent claim 16, Shigemi teaches:**

The message queue actually has two parts; one serves as the temporary storage for event messages, and the other serves as the storage for event log information. The first part of the message cue keeps the messages making a classification according to their originators. The

Art Unit: 2178

stored information is used to check the present status of each process concerning individuals or some specialized groups. See column 9, lines 57-67.

**In reference to dependent claim 17**, Shigemi teaches:

The structured data processing unit will investigate the upper-level structure of the obsolete node in the old version, identify its parent node in the new version, and redirect the messages to that node. See column 5, lines 20-25.

**In reference to dependent claims 6, 10, 12, and 15**, the messages (i.e. messages sent from the client process to the processing engine in response to the user's keyboard/mouse operations, E-mail messages sent from processing engines in other systems, messages sent from the timer event processor at a predetermined time, or messages generated by a script in a management object to call up another script in a different management object) being transmitted would have provided sufficient voice production processing.

**In reference to claims 18-27**, the claims recite similar limitations used for performing the methods as claimed in 1-5. In further view of the following, the claims are rejected under similar rationale.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML  
January 18, 2006



**STEPHEN HONG**  
SUPERVISORY PATENT EXAMINER